

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting - Approved 11.16.02
July 31, 2002 – 9:00 a.m.
Southeast Community College, 8800 O Street, Room B8, Lincoln, NE**

Chairperson Ms. Marian Reyburn called in the meeting to order at 9:00 a.m.

A. Roll Call

In Ms. Margaret Coleman's absence, Ms. Reyburn asked Mr. Brent Welsch to take the roll call. Members attending were Ms. Kathi Hesser, Ms. Marian Reyburn, Ms. Barbara Woodhead, Ms. Esther Seanor, Ms. Eleanor Propp, Ms. Tricia Tighe, Mr. Daniel Darnall, and Mr. Brent Welsch. Absent was Mr. Stephen Stout and Ms. Margaret Coleman. Staff attending was Ms. Tanya Wendel, Executive Director, Ms. Judy Gouldsmith, Staff Interpreter and Ms. Lori Burrage. Ms. Sharon Sinkler, interpreter.

B. Acceptance of the Agenda

Ms. Reyburn asked for changes/additions to the agenda. Ms. Propp asked to add establish a Deaf and Hard of Hearing Issues Committee under New Business, H.2. and move it to after the Chairperson's report as she needs to leave at noon. **Roll call vote: Ms. Margaret Coleman, absent; Ms. Kathi Hesser, yes; Ms. Eleanor Propp, yes; Ms. Esther Seanor, yes; Mr. Stephen Stout, absent; Ms. Tricia Tighe, yes; Ms. Barbara Woodhead, yes; Mr. Brent Welsch, yes. Vote was unanimous in favor of the motion.**

Audience Comments

Mr. Welsch distributed two letters and asked to comment as the President of the Nebraska Association of the Deaf. NAD members have expressed concern regarding the changes to the Staff Interpreter Community Assignment Procedure that states staff interpreters will not go when requested by the deaf person as this conflicts with the other policies stating that the deaf person's preference is first and takes away the rights of the deaf person to pick the interpreter they want. Mr. Welsch stated they understand that some interpreters have taken action against NCDHH for sending staff interpreters but is asking the Board to review this policy and consider revising it. Ms. Woodhead responded the policy has been in effect for a year and was put in place to help keep community interpreters working that don't have benefits like the staff interpreters and to keep the staff interpreters available for the deaf staff members. Ms. Woodhead stated this was brought up by the interpreter groups because of the number of available interpreting jobs. If there is an emergency situation and no qualified interpreter is available or if the appointment cannot be rescheduled, a staff interpreter can still go. Ms. Wendel stated after the Interpreter Issues Committee meeting, she researched the open meeting laws and the entire board needs to vote on the Interpreter Calling Order, under F.1.b. Originally the committee did not think the board needed to vote on it. Ms. Wendel stated the Interpreter Issues Committee may want to come back with recommendations on Mr. Welsch's concerns when they meet this afternoon.

Ms. Coleman entered the meeting at 9:18 a.m.

C. Acceptance of the Minutes

Ms. Reyburn asked for corrections/additions to the minutes. Ms. Propp stated under Board appointments, change from Ms. Seanor to Ms. Propp. Ms. Propp stated under the Subcommittee report, Telecommunication Relay Service, Ms. Denise Baber is not listed as being on the committee. Ms. Wendel explained after the last Board meeting, one of the parties questioned not having a husband and wife serving on the same committee. Ms. Wendel contacted the Attorney General's office and was told this is not a conflict. The Board received a memo from Ms. Reyburn and a ballot to vote again. Ms. Tami Nelson received the majority of the votes and was appointed to the Committee. Ms. Propp stated she told Ms. Baber she was on the Committee and Ms. Baber is very disappointed. Ms. Wendel stated letters were mailed out to all that applied. **Roll call vote: Ms. Coleman, yes; Ms. Hesser, yes; Ms. Propp, yes; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes; Mr. Welsch, yes. Vote was unanimous in favor of the motion.**

Ms. Reyburn asked Ms. Coleman to take over the role of Secretary. Ms. Reyburn thanked Mr. Welsch and presented him with a plaque in appreciation of his service on the Board.

H. New Business

2. Establish a New Subcommittee

Ms. Propp stated she attended a Senior Citizen meeting and has discussed with Ms. Wendel about going to the cable companies regarding closed captioning. They also discussed pagers and ttys and want to know why they can't get pagers through NEDP. They want the Commission to experiment with a Zapper to see if it works to stop telemarketers from calling as it is a headache for deaf people. Ms. Propp stated deaf people should not have to buy one only to find out it's a gimmick. Ms. Propp asked for the Commission find out if the access card that enables deaf people to get into Federal parks free, works for state parks. Mr. Welsch stated tv stations that earn less than \$3,000,000 a year currently are not required to have captioning, but that may be changing by the year 2006 according to information he received at the National Deaf Conference. The FCC will not allow extensions or exemptions. Ms. Wendel stated viewers need to write letters to their tv stations and ask for captioning. **Ms. Woodhead made a motion to establish a new subcommittee named Deaf and Hard of Hearing Issues. Ms. Tighe seconded the motion. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, yes; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.**

E. Executive Director's Report

1. Memo – Revenue Shortfall

a. Journal Star budget

b. Memo to Fiscal Analyst

c. NCDHH Budget Information

Ms. Wendel explained the reports and Governor's recommendation asking state agencies to reduce their budget to the prior fiscal year appropriation. Ms. Wendel presented two proposals that to accomplish this. The first proposal would be to eliminate the Telehealth program. Ms. Wendel explained the program and grant connected with it, stating the grant would need to be returned if the program is eliminated. Ms. Wendel stated an

option would be to write grants to try to fund it. The Legislative Fiscal Analyst wanted to introduce a bill to eliminate the program so it has been targeted. The second proposal would be to not fill an open position. Ms. Propp suggested reviewing the newsletter mailing list to make sure only one newsletter is being sent to each household to save money.

Ms. Woodhead asked if the proposals will be sent to the Legislature and Governor. Ms. Wendel stated there will be an Appropriations hearing on Friday at 1:30 p.m. to respond to the proposed reduction. Ms. Wendel stated the agency has a fiscal and budget analyst that are very familiar with the program. Ms. Wendel feels the Legislature will probably go along with the Governor's recommendation since there are many mandated programs, the Commission is not considered a mandated program. One senator has recommended eliminating many of the small agencies.

3. Staff Update

a. Lincoln Field Representative Position

b. Office Services Manager Tasks

Ms. Wendel stated she met with Ms. Reyburn regarding changing the vacant Field Rep position to a supervisory position (Office Services Manager) based on a previous Board recommendation. Ms. Hesser asked what duties the Office Services Manager position would have. Ms. Wendel responded the person would be responsible for staff supervision, goals and time line management, interpreter licensing board responsibilities, personnel issues including tracking leave requests and staff time, performance evaluations, train staff and new hires, be involved in policy changes, providing outreach to the community and act as an intermediary person between the staff and the Director. Having this position would enable Ms. Wendel to commit more time for program development. Ms. Woodhead requested a discussion on which position would impact services the least, not just vote on not filling this particular position as there may be another position that could be eliminated instead. Ms. Wendel provided a summary of all current staff job functions. Ms. Hesser asked for a closed session to discuss some of these issues. Ms. Wendel provided an explanation on the reasons for closing the session according the open meeting laws. It was decided to postpone the discussion until the Labor Contract regarding layoffs could be reviewed.

4. Mental Health Specialist

a. Monthly activity reports – May 2002 – June 2002

b. Reports: January – June 2002

Ms. Hesser asked what is included in the other duties category. Ms. Wendel explained communication with internal staff, answering the front office phones, serving on a Red Cross committee that started out as a mental health issue and ended up being CPR, which is not directly related but Ms. Goeschel had spent many hours on the project. Ms. Propp stated there are a higher number of hearing consumers being served instead of deaf and hard of hearing. Ms. Hesser stated this has been addressed before providing the example if she calls on behalf of her three deaf children, it is recorded as a hearing caller. Ms. Wendel stated many times it is family, friends or agencies calling for assistance for a deaf or hard of hearing person.

5. Program Reports

a. Field Representative – Time and Energy

1. Western Nebraska Representative Report

b. Yearly Activity Report

Ms. Wendel stated the staff is now tracking time spent on email. The report submitted by Ms. Jodell Shantz on her activities will be submitted to the Appropriations Committee on Friday. Ms. Wendel stated Pioneers has expanded their loan program to include amplified phones. The Nebraska Equipment Distribution Program (NEDP) takes a great deal of time and presentations are being provided throughout the state.

c. Quarterly Interpreter Referral Summary

Ms. Hesser asked why we are filling interpreting hours for Iowa. Ms. Wendel stated the Communication Services for the Deaf closed the Council Bluffs office, therefore individuals are coming to our office for assistance. Ms. Wendel stated we are currently serving individuals if they work in Nebraska but live in Iowa as many states have reciprocity with bordering states. A lot of time is being spent working on interpreter referrals with the Staff Assistant, Administrative Assistant and Interpreter Program Assistant all involved in the referrals. The Interpreter Program Coordinator has not been involved in the last year except for dealing with complaints. Ms. Propp asked if the Interpreter Program Coordinator will become involved with the Interpreter Licensing Board. Ms. Wendel responded the Omaha Staff Assistant will be the one involved rather than the Interpreter Program Coordinator.

e. QAST - Summary of Fees

f. QAST – Evaluator Rate of Pay

Ms. Wendel stated she contacted DAS State Personnel, SOS Division, regarding raising the QAST Evaluator rate of pay as directed by the board at the last meeting. SOS reviewed the positions, conducted a study of similar positions in state government and surrounding states and recommended an increase to \$15.935/per hour. This has concerned members of the Interpreter Issues Committee who requested \$25.00/per hour. Ms. Woodhead stated the Committee had received feedback from evaluators that the rate of pay was so low they would not work for that rate. Ms. Woodhead stated the Committee decided to accept the new rate at this time, see if it becomes a problem and then decide if they will go back to SOS with documentation.

6. Licensing Review Board

Ms. Wendel stated she was not involved in selecting the Interpreter Review Board members, the Board members made the decision, she did not even see the votes. The final bill and a draft of a letter to the Attorney General's office regarding the time frame and political subdivisions is included in the packet. Ms. Wendel and Mr. David Montgomery, Administrator for the Division of Administrative Services, Health and Human Services Regulation and Licensure Department, will meet with Mr. Mark Starr from the Attorney General's office next week regarding drafting the regulations. Mr. Montgomery has recommended an attorney draft the regulations. Ms. Wendel explained the draft regulations go the Attorney General's office first, then to the Governor's office, back to the Attorney General's to review any changes the Governor's office makes and then to

the Secretary of State's office for filing. It has been suggested that it will take three months to get the drafts finished. Two full day meetings have been set, and work groups are already working. Ms. Woodhead asked why time is being spent on EIPA if educational interpreters are not included. Ms. Wendel stated Vocational Rehabilitation Services are using interpreters with an EIPA rating due to lack of interpreters in rural areas and have asked Ms. Wendel to establish a pay scale. Ms. Woodhead stated there are concerns with using interpreters in the schools that do not meet the minimum requirements of EIPA and the thought of using those interpreters in a private situation is in conflict of what the Board and Interpreter Issues Committee has established. Ms. Woodhead stated this should take care of itself once licensing becomes effective, Voc Rehab will be required to use licensed interpreters.

7. Business Manager's Update

a. General Ledger

Ms. Burrage provided an explanation of carryover funds from the last fiscal year and the Governor's proposal to reduce those funds by half.

The Full Commission adjourned for Subcommittee meetings at 12:10 p.m.

Ms. Propp left the meeting at 12:10 p.m.

The Full Commission reconvened at 1:00 p.m.

E. Executive Director's Report

2. FY Budget 02-03

Ms. Wendel stated Ms. Burrage reviewed the Labor Contract related to layoffs. The Labor Contract states the agency will decide which classes and positions will be affected, analyze reasonable alternatives, submit a written plan and meet with the Union prior to laying off employees. The first reasonable alternative listed is eliminating unfilled, funded positions. Ms. Woodhead asked to close the meeting. Ms. Reyburn asked what the purpose would be. Mr. Welsch stated the only way to close the meeting is if you are talking about a person specifically. Ms. Wendel reviewed the open meeting laws for closing the session. **Ms. Tighe made a motion to close the meeting to prevent needless injury to the reputation of an employee. Ms. Woodhead seconded the motion. Roll call vote: Ms. Coleman, abstain; Mr. Darnall, abstain; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor abstain; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Motion failed.** Ms. Woodhead asked if Ms. Wendel could look at restructuring the office and make cuts in different areas. Ms. Wendel stated her testimony to the Appropriations Committee could state a position would need to be eliminated and not be specific as to which one. In the meantime, Ms. Wendel could contact the Union to see if a different position can be eliminated. **Ms. Hesser made a motion in order to balance the budget, eliminate Telehealth/video conferencing and a position will need to be eliminated. Ms. Seanor seconded the motion.** Ms. Seanor asked how much Telehealth has been used. Ms. Wendel stated the numbers are just not there, if a cost analysis was done, the cost could not be justified for the number of consumers served. Ms. Wendel stated the Governor has been very supportive of the program. Ms. Wendel stated she may be able to

plead the case of having \$100,000 of equipment that won't be used but every agency is in the same position. Ms. Seanor asked if the motion could be phrased postpone filling a position, not eliminate a position. Ms. Wendel suggested changing the wording to staff reduction. **Roll call vote: Ms. Coleman, no; Mr. Darnall, no; Ms. Hesser, no; Ms. Propp, absent; Ms. Seanor, no; Mr. Stout, absent; Ms. Tighe, no; Ms. Woodhead, no. Motion failed. Ms. Hesser made a motion in order to balance the budget eliminate Telehealth/video conferencing and have a reduction in staff. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.**

c. Reclass review

Ms. Wendel explained due to the Field Rep vacancy she explored getting a position that would assist her. The salary level is less than a Field Rep II so it would be a savings. **Ms. Woodhead made motion to accept the reclassification. Ms. Hesser seconded the motion. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.**

Chairperson's Report

Ms. Reyburn welcomed Mr. Daniel Darnall to the board. Mr. Darnall, Ms. Propp and Ms. Reyburn will be confirmed by the Legislature on Friday, August 2, 2002. Ms. Reyburn stated she received an email from Mr. Jerry Hohnbaum, former chair. Mr. Hohnbaum and his wife Becky worked with individuals from Cozad and Chappell and they asked Mr. Hohnbaum to express their extreme satisfaction with the service they received from Ms. Jodell Shantz in North Platte. They asked that the Commission be informed of their pleasant experiences with Ms. Shantz and their happiness that services for hard of hearing person are available in their area.

1. Director's Review/Salary Discussion

Ms. Hesser made a motion to close the meeting to discuss the Executive Director's performance review and salary discussion at 2:00 p.m. Ms. Seanor seconded the motion. Ms. Reyburn asked that Ms. Burrage stay in the closed session. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.

Ms. Woodhead made a motion to re-open the meeting at 2:39 p.m. Ms. Hesser seconded the motion. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.

Results of the closed session:

Ms. Hesser made a motion that the Executive Committee establish a written procedure for the performance evaluation of the Executive Director. Ms. Tighe seconded the motion. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms.

Woodhead; yes. Vote was unanimous in favor of the motion. Ms. Seanor made a motion to give the Executive Director a 1.5% cost of living increase August 1, 2002, and a 2.5% increase January 1, 2003. Ms. Hesser seconded the motion: Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes. Vote was unanimous in favor of the motion.

D. Chairperson's Report

2. Standing Committees

Ms. Reyburn stated she has tried to contact Mr. Stout, but has not been able to talk with him personally. Mr. Stout's wife indicated he attended a board meeting but it was cancelled. Ms. Seanor stated she talked to him and he had lost two family members and had been ill. Ms. Wendel stated she contacted the Governor's office requesting a letter be sent to him since the Commission has contacted him several times and has gotten no response. The Governor's office can remove a member but that is not their preference. Ms. Reyburn stated the Goals Committee needs one more member.

F. Subcommittee Reports

1. Interpreter Issues Committee

a. July 19, 2002 Minutes

b. Referral Calling Order

c. Staff Interpreter Procedures

d. May 10, 2002 Minutes

Ms. Woodhead recommended the Board adopt the new referral calling order. The Interpreter Issues Committee would like her to review the language in the Staff Interpreter Procedures. **Ms. Woodhead made a motion to adopt the referral service calling order with revisions to be made to the general consideration language and to the procedure assignment document. Ms. Tighe seconded the motion. Roll call vote: Ms. Coleman, yes; Mr. Darnall, yes; Ms. Hesser, yes; Ms. Propp, absent; Ms. Seanor, yes; Mr. Stout, absent; Ms. Tighe, yes; Ms. Woodhead, yes.**

2. Goals Committee

Ms. Seanor reported the Committee recommends a NCDHH Day in 2004 to mark the 25th year anniversary of the Commission. The SHHH National Conference is also in 2004. The Committee also recommends having one meeting a year down linked to various sites throughout the state, a special agenda would be developed.

3. Legislative Committee

Ms. Hesser reported the Committee may revisit the interpreter licensing bill to include educational interpreters and possibly develop a bill of rights for deaf and hard of hearing children. The Committee is considering introducing legislation to get insurance companies to cover hearing aids but will need to have support from the hard of hearing community.

G. Old Business

1. Election of Officers

Ms. Reyburn asked for nominations stating the voting would be done by written ballot. Ms. Seanor nominated Ms. Reyburn for Chairperson, Ms. Tighe nominated Ms. Woodhead. Votes were three in favor Ms. Reyburn, four in favor of Ms. Woodhead. Ms. Seanor nominated Ms. Reyburn for Vice Chair, Ms. Tighe nominated Ms. Hesser, Ms. Tighe nominated Ms. Propp. Votes were four in favor of Ms. Reyburn, two in favor of Ms. Hesser and one in favor of Ms. Propp. Ms. Woodhead nominated Ms. Hesser for Secretary, Ms. Coleman nominated herself. Votes were five in favor of Ms. Hesser and two in favor of Ms. Coleman. Ms. Reyburn thanked Ms. Wendel for her help while she was Chairperson and for her work at the Commission. Ms. Reyburn stated working closely with Ms. Wendel has shown her that Ms. Wendel has a wide scope of responsibilities. Ms. Wendel thanked Ms. Reyburn for her work as Chairperson.

H. New Business

1. Iowa walk-ins procedure

Ms. Wendel stated that people are coming in for services mainly from Council Bluffs, Iowa. A decision was made several years ago that individuals living within a 15 – 20 mile radius would be served. Communication Services for the Deaf in Council Bluffs has closed and many were going there for services. Ms. Wendel suggested providing a list of services available to them in Iowa, not just turn people away. Ms. Hesser stated if they are working in Nebraska and paying taxes in Nebraska they should be served by the Commission. Ms. Woodhead asked if interpreters are being sent for persons working in Omaha, but need an interpreter in Iowa. Ms. Wendel stated it is handled the same as other referrals, interpreters only go if there is no private practice interpreter available. Iowa does not have an interpreter referral service, they just provide a list of interpreters the individual can contact on their own.

J. Next meeting – date/location

November 16, 2002 at 9:00 a.m. An email will be sent on location, either North Platte or Lincoln.

Meeting adjourned 3:25 p.m.